

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## SAMUEL K. McDONOUGH,

Plaintiff,

Case No. C19-1248-RAJ

V.

ROBIN SMITH, et al.,

## Defendants.

## ORDER OF DISMISSAL

The Court, having reviewed the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, and the remaining record, does hereby **ORDER**:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's claims with respect to inadequate medical care related to his tooth and contamination of the food, water, and coffee at MCC-SOU, are **DISMISSED with prejudice for failure to state a claim**;
- (3) Plaintiff's claims with respect to his "false imprisonment" are **DISMISSED without prejudice** pursuant to *Heck v. Humphrey*, 512 U.S. 477, 483-87 (1994);
- (3) The Clerk of the Court is directed to close this case;
- (4) The Clerk of Court is directed to send copies of this Order to plaintiff and to Judge Tsuchida.

DATED this 5th day of November, 2019.

Richard D. Jones

The Honorable Richard A. Jones  
United States District Judge